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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 JUNGOAK CHA,  
9 Plaintiff,  
10 v.  
11 THE KAISER PERMANENTE,  
12 Defendant.

No. C-14-4672-EMC

**ORDER TO SHOW  
PLAINTIFF'S FIFTH  
ACTION (BREACH  
BARGAINING AGREE-**

**ORDER TO SHOW CAUSE RE  
PLAINTIFF'S FIFTH CAUSE OF  
ACTION (BREACH OF COLLECTIVE  
BARGAINING AGREEMENT)**

15 On February 26, 2015, Plaintiff filed a first amended complaint (FAC) in this action. Docket  
16 No. 28. The fifth cause of action pleaded in Plaintiffs' FAC is for breach of the collective  
17 bargaining agreement between Plaintiffs' union and the Defendant, The Permanente Medical Group  
18 (TPMG).<sup>1</sup> In paragraph 14 of Plaintiff's FAC, she alleges that the union "violated its duty to fairly  
19 represent me as its member in failing to timely file a grievance *and in its failure to file a grievance*  
20 *at all.*" FAC ¶ 14 (emphasis added). Plaintiff further states in her opposition to Defendant's  
21 currently pending motion to dismiss that "[s]he failed to get help from [her] union." Docket No. 38  
22 at 8.

23 It appears that the Plaintiff's allegations that her union never filed a grievance on her behalf  
24 are contradicted by other portions of Ms. Cha's pleadings. Most notably, Ms. Cha attached (as  
25 Exhibit 4 to her FAC) an email dated March 16, 2012, purportedly sent from a union representative  
26 to Defendant transmitting a grievance regarding Plaintiff's termination from employment. The same

<sup>1</sup> Defendant admits that Ms. Cha's employer – and thus the proper defendant in this action – is "The Permanente Medical Group."

United States District Court  
For the Northern District of California

1 exhibit also contains an email that appears to be from the union representative to Ms. Cha, attaching  
2 a copy of a grievance filed with Defendant.

3 Somewhat complicating matters is another email attached by Ms. Cha to her FAC, contained  
4 in Exhibit 5. In that email, written on January 5, 2015, an employee of Defendant writes that he  
5 believes the Union did *not* file a grievance. The Court notes, however, that Ms. Cha attempted to  
6 redact a different email towards the bottom of Exhibit 5 that appears to have been sent by Ms. Cha  
7 to an unidentifiable email account at yahoo.com on January 7, 2015. That partially redacted email  
8 appears to state “I found that the cna [California Nurses Association *i.e.*, Union] filed grievance in  
9 other Email. I will show you LATER.”

10 The Court hereby **ORDERS** Plaintiff to produce an unredacted version of all of the emails  
11 contained in Exhibit 5 to the Court by April 20, 2015, or to provide legal authority explaining why  
12 such emails are not subject to production.<sup>2</sup> The Plaintiff shall also be prepared to address the issue  
13 of whether her union filed a grievance on her behalf at the April 23 hearing on Defendant’s currently  
14 pending motion to dismiss Ms. Cha’s FAC.

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16 IT IS SO ORDERED.

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18 Dated: April 14, 2015

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21 EDWARD M. CHEN  
22 United States District Judge  
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<sup>2</sup> The Court notes that a number of other emails in the email chain produced in Exhibit 5 are omitted, as indicated by the words “Quoted text hidden.”